[1967 ஜூலை 11

திரு. வி. கே. கோதண்டராமன் : அந்தக் கிராமங்களுக்குச் செல்லும் பாதை காட்டு இலாகா சம்பந்தப்பட்டதாக இருக்கிற காரணத்தினுல் கனம் காட்டு இலாகா அமைச்சர் அவர்களை வற்புறுத்தி அந்த ரோடைப்போடும்படி கனம் அமைச்சர் அவர்கள் கேட்டுக்கொண்டு அதற்கான ஏற்பாட்டைச் செய்வார்களா?

மாண்புமிகு திரு. மா. முத்துசாமி : இது காட்டு இலாகாவிலிருந்து பஞ்சாயத்து ஊராட்சி ஒன்றிப்புக்கு 1963 ல் ஒப்படைக்கப்பட்டிருக்கிறது. ஆகவே, அப்படி பெற்றுக்கொண்ட பிறகு மீண்டும் அவர்களை வற்புறுத்துவது இயலாத ஒன்ருக இருக்கிறது.

மாண்புமிகு பேரவைத் தலைவர் : வினுக்கள்-விடைகள் முடிவுற்றன.

குறிப்பு :—ஒரு உரையின் தொடக்கத்தில் உடுக்குறி (*) இடப்பட்டிருந்தால், உறுப்பினரால் அவ்வுரை சரிபார்க்கப்படது என்பதைக் குறிக்கும்.]

2. உரிமைப் பிரச்சினைகள்.

(அ) எதிர்க்கட்சித் தலைவர் 'நவசக்தி' நாளிதழுக்கு அளித்த அறிக்கை.

Mr. SPEAKER: The hon. Member, Dr. Hande raised a motion of privilege against the hon. the Leader of the Opposition for having given a statement to a daily paper known as 'Navasakthi'. I promised to give my ruling on that subject to-day. I mentioned that, while giving my ruling, I would also take into account the further statement made on the floor of the House by the hon. the Leader of the Oppositon. The hon. the Leader of the Opposition said on the 7th—

'நான் சொன்னதெல்லாம் முதலமைச்சர் பேசினதிலே எந்தத் தவறு என்றும் நான் சொல்லவில்லை' . . . . பத்திரிகைச் செய்திகள் விட்டுவிட்டு வந்துகொண்டிருக்கின்றன.)'

In view of the statement made by the hon. the Leader of the Opposition, I have to see whether there still exists any ground for a privilege motion against the hon. the Leader of the Opposition. I have already stated several times in this House that when an hon. Member makes a statement in this House that he did or did not make a statement outside the House, what he stated on the floor of the House should be taken as final; that applies to the hon. the Leader of the Opposition. Therefore, I have to assume that what the hon. the Leader of the Opposition stated on the floor of the House is final, and could not be questioned either by this House or any committee of this House. That being so, I have to hold that no *prima facie* case exists against the hon. the Leader of the Opposition.

MR. SPEAKER : The Hon. Member, Dr. Hande, raised on the very same day that, in view of the statement a *prima facie* case exists about the breach of privilege against the newspaper concerned. The publisher is certainly primarily responsible in accordance also with the extract which he read from May's Paliamentary Practice. Before I decide whether a *prima facie* case exists against the newspaper, I have unfortunately the duty of reading the matter to the House. Rule 188 says—

" Speaker shall read the matter to the House ".

It gives me no pleasure to read the matter but I am in duty bound to read it. The hon. Member, Dr. Hande, has clarified the issue raised by him by this letter which runs as follows—

Further to my notice, dated 7th July 1967, regarding my motion of privilege against the Hon. Leader of the Opposition and in view of the statement made by him on the floor of the House on 7th July 1967. I desire to include in my notice also a motion of privilege against the publisher of " *NAVASAKTHI* " in respect of its issue, dated 7th July 1967, as it contains gross breach of privilege of the House in portions marked 'A' 'B' and 'C'.

In duty bound I have to read it. In the portion marked 'A' it is stated—

சட்டசபை என்பது வெட்டிப் பேச்சுகளைப் பாப்பும் அரங்கம் அல்ல'

A mere addition of the word 'அல்ல' does not make it less liable because an innuendo already exists. It has been held several times that the mere fact of addition of a negative does not reduce the force of the words of defamation which may be contained in the earlier portion.

I have to state, with due respct to the publisher, that a *prima facie* case does exist. Also further down in the same paper it is stated—

ஒரு விதத்தில் இத்தகைய துர்ப்போதனையும் அறிவிப்புகளும் அல்ல.'

The publisher has taken upon himself to criticise the procedure of this House and to say that what the Hon. Chief Minister said was 'துர்பபோதனை'. No paper has the right to say that. It is certainly a breach of the privilege of the House. I hold that in respect of the portion marked 'A' a *prima facie* case exists.

Regarding the portion marked ' B ', as I said, I am bound to read i, though it gives me no happiness or pleasure to read it—

'காங்கிரஸ் என்றால் காமராஜோ, பக்தவத்சலமோ, கருத்திருமனோ அவர்கள் பேசுவதைத்தான் நான் பொருட்படுத்துவேன். மற்றப் பேச்சுக்களை காங்கிரசை வைத்துப் பிழைக்கும் பேச்சாக நான் கருதுகிறேன்'

This is supposed to be the statement made by the Hon. Chief Minister on the floor of this House. That is not in accordance with the record of the proceedings, nor is this true. Therefore with regard to ' B ' also, a *prima facie* case exists.

In the same paper another portion marked ' C ' reads like this—

'காமராஜ், பக்தவத்சலம், கருத்திருமன் தவிர மற்றவர்கள் வயிற்றுப் பிழைப்புக்காரர்கள் என்று முதன் மந்திரி சொன்னது சட்டசபையில் பணியாற்றும் மீதி 49 காங்கிரஸ் மெம்பர்களையும் இழிவு படுத்துவதாகும்.'

This is the statement which is alleged to have been made by the Leader of the Opposition. But he has already said that he has not made it. Therefore in all these three cases contained in the issue of 7th July 1967 I have to hold that a *prima facie* case of breach of privilege exists.

Immediately I do not send it to the Committee of Privileges. It is not as though I am bound to send to the Committee of privileges in every case where a *prima facie* case of breach of privilege is made out. I can dispose of it also in another way. Under Rule 189 I can ask this House to deal with it. We have got to remember that breach of privilege is a weapon of enormous power and should be exercised with due restraint. This House, I have repeatedly stated, is the most powerful institution in this State, and any newspaper cannot, in any sense, be regarded as an adversary of this House. So, if the publisher expresses regret or if the publisher is penitent or if the publisher shows—to use the word mentioned in May's Parliamentary Practice—Contrition, this House can be magnanimous. Being magnanimous will only add to the prestige of the House. Only the strong can afford to be lenient and no one will accuse us of weakness if we show leniency. Therefore having held that a *prima facie* case does exist in respect of all the three portions marked and brought to the notice of the House, I have to see whether I would deal with it by sending it to the Committee of Privileges or whether I would deal with it on the floor of the House itself and that will depend upon what the publisher says in the meantime. I adjourn this matter to the 18th of this month to allow time to the publisher and to see whether he expresses regret or will be penitent or will show contrition.

(உ) சென்னை நகர போலீஸ்கமிஷனர் தீ விபத்துக்கள்பற்றி விடுத்த அறிக்கை.

MR. SPEAKER: Another matter is about the privilege raised against Commissioner of Police by Mr. V. K. Kothandaraman. I have received certain information from the Government, but I have to receive some more. Therefore I adjourn the matter to the 17th of this month for giving my final ruling.